



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 29
Water Right(s) : 63-31997



0 1320 2640 Feet

TOTAL IRRIGATED ACRES - 2.0



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

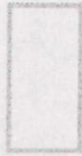
GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: September 2004



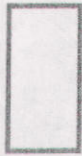
Idaho Department of Water Resources

Claim Number: 63-05287
Legal: T4N, R2E, S29
Reviewed By:

⊙ Point of Diversion



Place of Use



Section Lines



Quarter Quarter Lines



1987 Napp Photo



0 0.25 Miles

domestic well

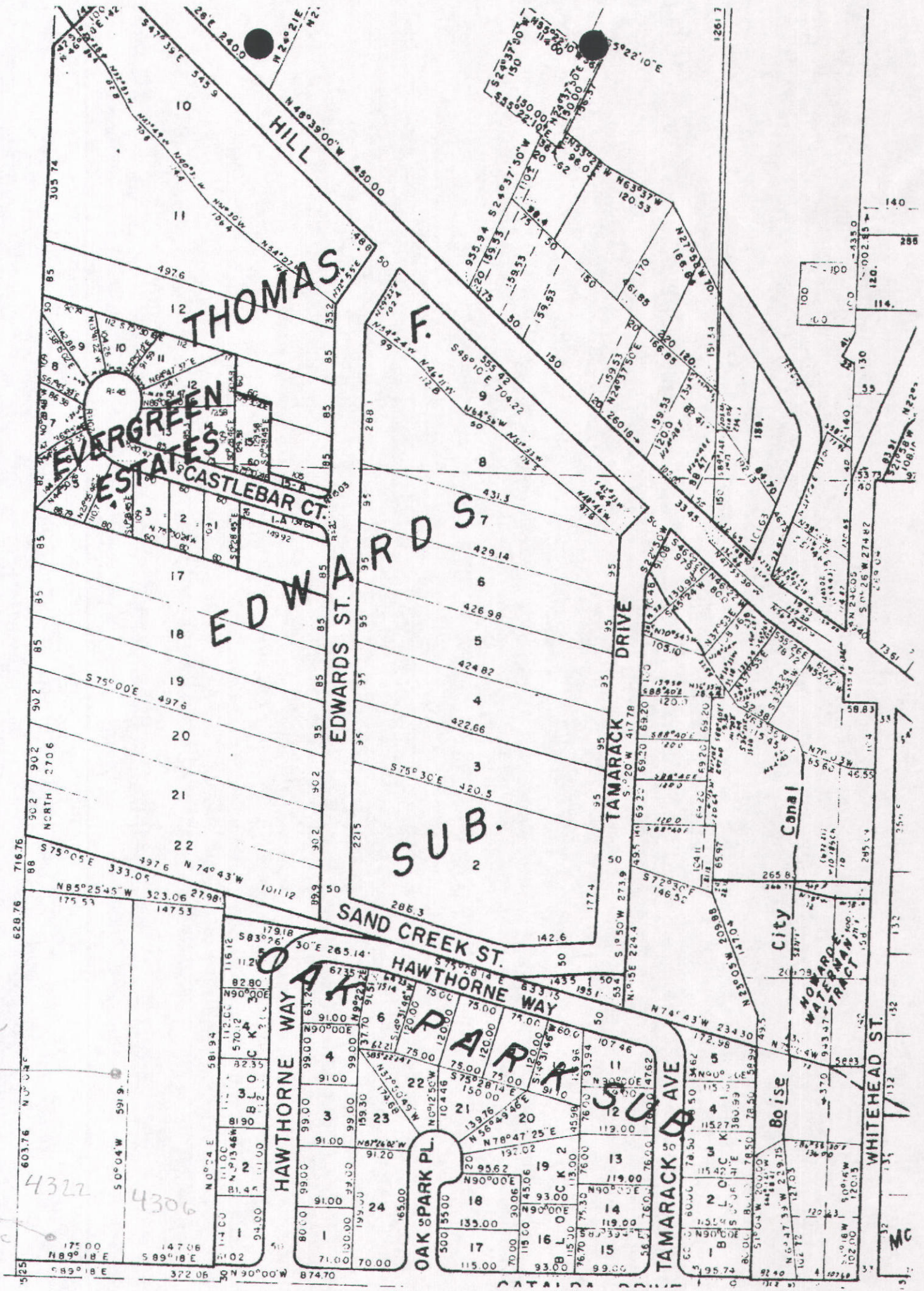
* This is Shovel
navigation well w/
4306 - this has
Passed w/ land as
a shovel well, although
owned both parcels
until it was gifted to
Katie's Grand Gae

Where are the 2 wells located?

4

Gravel Well

Domestic Well



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31997
Date Received: 8/15/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE ID USA 83703

Phone: (208)343-2783

2. Date of Priority: 07/01/1953

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02E	29	SW NE	ADA	

5. Description of diverting works:

TWO WELLS - 8 INCH CASING, CLAIMANT ESTIMATES DEPTHS AT 50 FT AND 65 FT DEEP
W/PUMPS/PIPE/SPRINKLER SYSTEM. DEEPER WELL IS THE IRRIGATION WELL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.06	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.16 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02E	29	SW	NE	DOMESTIC	
			SW	NE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS THE RESULT OF A SPLIT OF A PORTION OF 63-5287. 9/22/2004

Irrigation well on east side of property close to property line is shared with 63-31998.

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct. _____

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31997

2006 DEC 22 AM 8:49

DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE, ID 83703

SOURCE: GROUND WATER

This water right does not authorize the diversion of a low
temperature geothermal resource or other geothermal resource.

QUANTITY: 0.10 CFS
9.00 APY

USE OF THIS RIGHT WITH RIGHT NO. 63-31998 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 9 AF FOR IRRIGATION.
The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1953

POINT OF DIVERSION: T04N R02E S29 SWNE Within Ada County
SWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.06 CFS
			9.00 APY
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE:	Irrigation	Within Ada County
	T04N R02E S29 SWNE 2.0 2.0 Acres Total	
	Domestic	Within Ada County
	T04N R02E S29 SWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

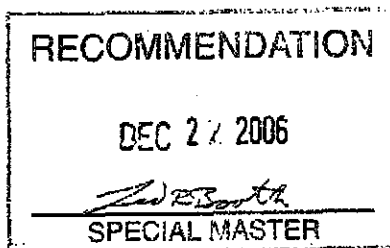
The quantity of water decreed for this water right is not a
determination of historical beneficial use.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

706 DEC 22 AM 8:49

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 63-31997

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 22, 2006, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EDWARDS FAMILY LLC
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE, ID 83703
Phone: 208-343-2783

CERTIFICATE OF MAILING

[Signature: Debbie Lash]
DEBBIE LASH
Deputy Clerk

PAGE 1
12/22/06

RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 22 AM 8:49

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

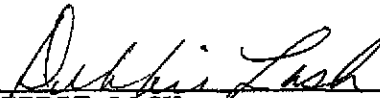
Water Right(s): 63-31997

On December 22, 2006, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 22, 2006.


DEBBIE LASH
Deputy Clerk

RECEIVED

DEC 23 2006

DEPARTMENT OF
WATER RESOURCES

2006 DEC 22 AM 8:49

DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) SPECIAL MASTER'S REPORT
Case No. 39576)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-31997

I. FINDINGS OF FACT

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 21, 2006, the Edwards Family LLC, by and through its attorney Dana Hofstetter of Hofstetter Law Offices, LLC, filed an objection to the *Director's Report*, asserting that the water right does not authorize diversion of geothermal water from the Stewart Gulch Aquifer. On December 20, 2006, the parties the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Forms 5*, IT IS RECOMMENDED that water right 63-31997 be decreed with the elements as set forth in the attached *Recommendations for Partial Decrees Pursuant to I.R.C.P. 54(b)*.

Dated December 21, 2006


Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 63-31997
	)	
Case 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or a federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):
K-C TRUST

Jim Zee 12/6/06
Authorized representative Date

Jim Zee 12/6/06
Date

OBJECTOR:
EDWARDS FAMILY LLC

For KC Trust (See Power of Atty
10/6/06)

Dannette Monnie 12/6/06
Authorized representative Date

Donna H. Spencer 12/6/06
Attorney for Edwards Family LLC Date

IDWR Concurrence:

Wick Wm LLC 12/13/06
Water Resource Agent Date

Wick Spencer 12-13-06
FOR Susan Hamlin Nygard
Deputy Attorney General Date

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31997

NAME & ADDRESS: K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

This water right does not authorize the diversion of a low temperature geothermal resource or other geothermal resource.

QUANTITY: 0.100 CFS
9.00 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

USE OF THIS RIGHT WITH RIGHT NO. 63-31998 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9 AF FOR IRRIGATION.

PRIORITY DATE: 07/01/1953

POINT OF DIVERSION: T04N R02E S29 SWNE Within ADA County
T04N R02E S29 SWNE Within ADA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.060 CFS
		9.00 AFY

DOMESTIC USE IS FOR 1 HOME.

PLACE OF USE: IRRIGATION Within ADA County
T04N R02E S29 SWNE 2.00

DOMESTIC Within ADA County
T04N R02E S29 SWNE
2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NOS. S0629131531 AND S0629131521

This right is a split from former right 63-5287

SF5
Right No. 63-31997

October 24, 2006

Reference Initial Hearing : Case No. 39576

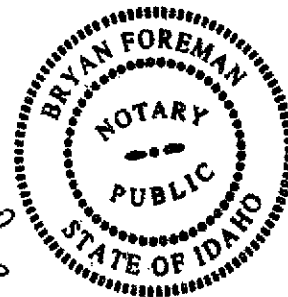
Ka AS
63-31997

The undersigned trustees of the KC TRUST, Sub-Case No. ~~39576~~ give David L. Gee or Kristi L. Gee full settlement authority to act on our behalf in the above mentioned case (No. 39576.)

Charles I. Smith 10/26/06
Charles I. Smith Date

Kay Anderson 10/26/06
Kay Anderson Date

Bry. Foreman
exp 10/01/2010
Boise, Idaho
ADACounty
Notary for Charles and Kay
Smith Anderson



CERTIFICATE OF MAILING

I certify that on December 19th, 2006, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

K-C Trust
C/O Kay Anderson, Trustee
4322 Catalpa Drive
Boise, ID 83703

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing form

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

December 7, 2006

Via Hand Delivery

Becky Harvey
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702

Re: SRBA Subcase Nos. 63-2697A, 63-3047, 63-5028, 63-5234, 63-16488, 63-31299, 63-31300, 63-31556, 63-31997, and 63-31998

Dear Ms. Harvey:

workflow changed 12/8/06

Enclosed is an **original** (except for 63-5234 which has 3 originals) of a Standard Form 5 in the above-referenced subcases. Each of the enclosed Standard Form 5s has been executed by each of the respective Claimants and/or their representatives and by the Edwards Family LLC. Please arrange for execution of these documents by the Idaho Department of Water Resources and an appropriate Idaho Deputy Attorney General. Also, as we discussed, once these documents are fully executed, please arrange for filing and service. Thank you for your assistance with this matter.

Sincerely,

HOFSTETTER LAW OFFICE, L.L.C.



Dana L. Hofstetter

Enclosures
3006.3/7217

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

A. Subcase 63-31997
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Edwards Family LLC
Address: 4106 Sand Creek Street
Boise, Idaho 83703
Daytime Phone: 208-342-7548

Name & Address of Attorney, if any:

Dana Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702
208-424-7800

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: K-C Trust
C/O Kay Anderson, Trustee
Address: 4322 Catalpa Dr
Boise, Idaho 83703

SCANNED
OCT 05 2006

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)):

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: See Section E
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** To the extent that this water right authorizes the diversion of water from the Stewart Gulch Geothermal Aquifer it should not exist pursuant to *Silkey v. Tiegs*. Otherwise, the following provision should be listed under "Other Provisions Necessary for Definition or Administration of this Water Right:" The diversion and use of geothermal water is not authorized under this right. Also, the local name for the cold water well should be described.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

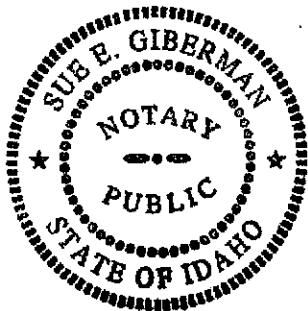
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Signature of person filing objection

Dana L. Hofstetter
Attorney signing in representative capacity

Subscribed and sworn to before me on: April 20, 2006



Sue E. Giberman
Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission expires: 2-25-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I filed the original with the SRBA Court and mailed copies of this Objection, including all attachments, to the following persons:

1. Original to:
Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
2. One copy to the claimant of the water right at the following address:

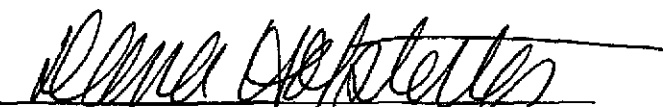
Name: K-C Trust
C/O Kay Anderson, Trustee
Address: 4322 Catalpa Dr
Boise, Idaho 83703

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

11/02/2005

RECEIVED

DEC 16 2005

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-31997

K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE ID 83703

RECEIVED

DEC 19 2005

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/14/05 SIGNATURE: Kay Anderson
Please print your name: KAY Anderson

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Vickie - Sorry, we were out of town!
Thank for the explanation -
Kay

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



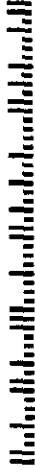
BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 1148 BOISE ID

POSTAGE WILL BE PAID BY ADDRESSEE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83707-9815

SRBA WESTERN



09/24/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31997

NAME AND ADDRESS: K-C Trust
C/O KAY ANDERSON, TRUSTEE
4322 CATALPA DR.
BOISE ID 83703

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
9.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 63-31998 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 9 AF FOR IRRIGATION.

13,000 The quantity of water under this right for domestic use shall not exceed
gallons per day.

PRIORITY DATE: 07/01/1953

POINT OF DIVERSION:

T04N R02E S29 SWNE Within ADA County
T04N R02E S29 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.060 CFS
		9.00 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within ADA County

T04N R02E S29 SWNE

IRRIGATION Within ADA County

T04N R02E S29 SWNE 2.0

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right is not a determination
of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

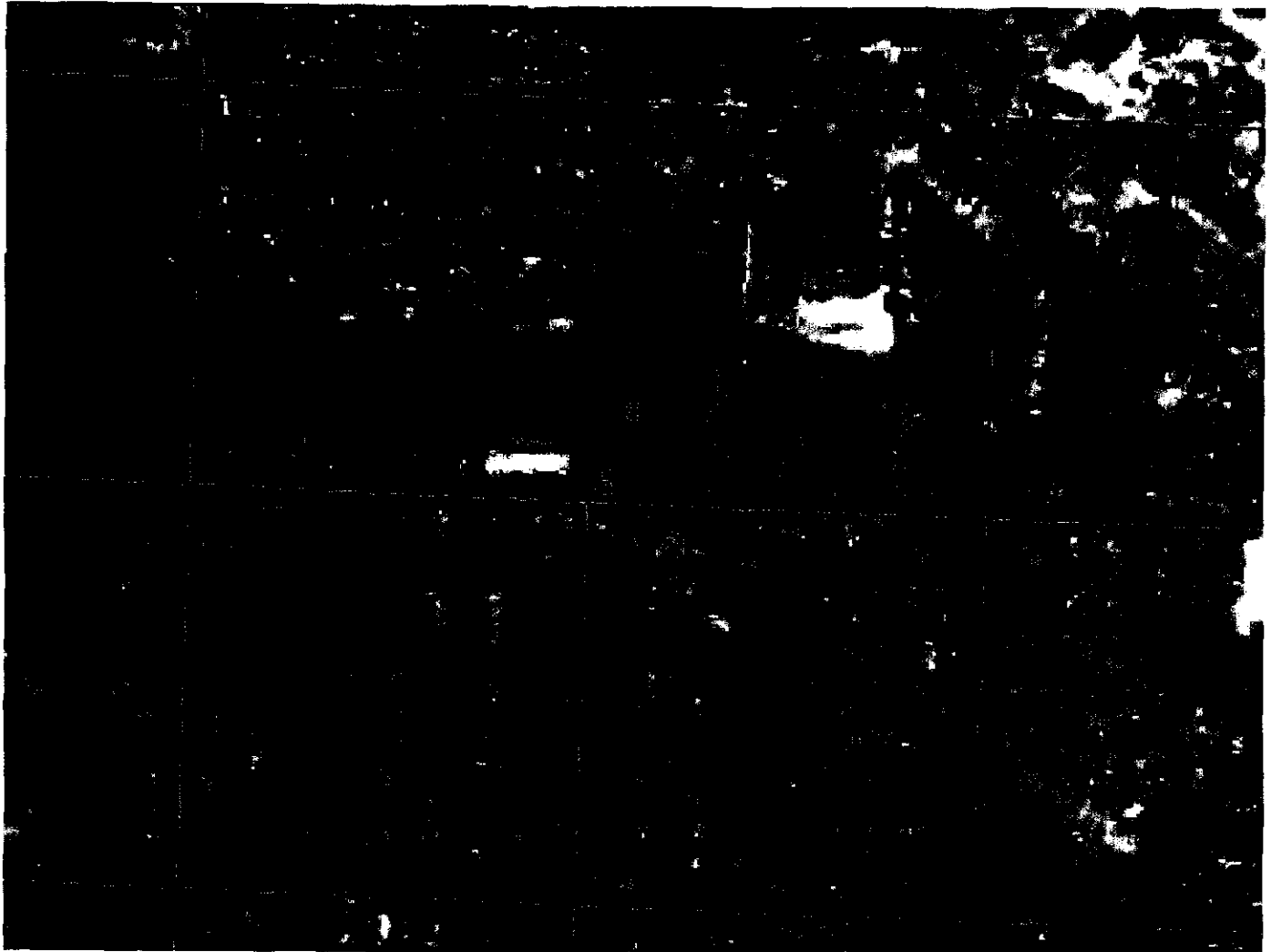
PARCEL NOS. S0629131531 AND S0629131521.

This right is a split from former right 63-5287.



**State of Idaho
Idaho Department of Water Resources
Western Region**

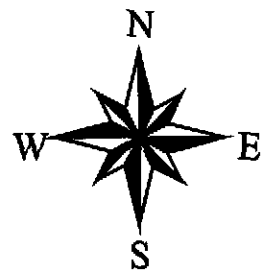
**T3N R1E SECTION 29
Water Right(s) : 63-31997**



0 1320 2640 Feet

A horizontal scale bar with three segments, labeled 0, 1320, and 2640 Feet.

TOTAL IRRIGATED ACRES - 2.0



- Point of Diversion
- Place Of Use
- Quarter Quarter Lines
- Section Lines

**GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: September 2004**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31997 V1

WATER RIGHT NUMBER: 63-31997 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	K-C Trust C/O KAY ANDERSON, TRUSTEE 4322 CATALPA DR. BOISE, ID 83703
Original Owner	KAY ANDERSON 4322 CATALPA DR BOISE, ID 83703 (208)343-2783

Priority Date: 07/01/1953

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
IRRIGATION	03/01 to 11/15	0.060 CFS	9.00 AF
	<u>Total Diversion:</u>	0.100 CFS	9.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		
GROUND WATER	SW1/4NE1/4	Sec. 29, Twp 04N, Rge 02E, B.M.
ADA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	29			X														

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	29			2.0														2.0

Total Acres: 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-31997 V1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. X01 Domestic use is for 1 home.

Remarks:

1. Explanatory PARCEL NOS. S0629131531 AND S0629131521.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 63-31998 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.12 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 9 AF FOR IRRIGATION.
3. Explanatory This right is a split from former right 63-5287.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.12	18	4
Combined Water Rights: 63-31997 , 63-31998		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.12	18	4
Combined Water Rights: 63-31997		

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31997 V1

Contacts	9/23/2004 3:45:20 PM	vmusic	Active
Priority Date	9/23/2004 3:50:08 PM	vmusic	Active
POD	9/23/2004 3:50:41 PM	vmusic	Active
Source	9/23/2004 3:53:59 PM	vmusic	Active
POU	9/23/2004 3:54:54 PM	vmusic	Active
Use	9/23/2004 3:56:38 PM	vmusic	Active
Season	9/23/2004 4:33:21 PM	vmusic	Active
Quantity	9/23/2004 4:34:53 PM	vmusic	Active
Summary		09/24/2004 vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	9/23/2004 3:50:09 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - CLAIMANT STATEMENT.
POD	9/23/2004 3:50:41 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	9/23/2004 3:53:59 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - CLAIMANT STATEMENT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31997 V1

POU	9/23/2004 3:54:55 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - CLAIMANT AND ADA CO ASSESSOR MAP AND PARCEL INFORMATION.
POD	9/23/2004 4:29:43 PM	vmusic	Edited point location
POD	9/23/2004 4:30:36 PM	vmusic	Edited point location
POU	9/23/2004 4:31:58 PM	vmusic	Edited shape boundary
Use	9/23/2004 3:56:39 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	9/23/2004 4:32:21 PM	vmusic	Edited shape boundary
Season	9/23/2004 4:33:21 PM	vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	9/23/2004 4:34:54 PM	vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - [2 ACES][4.5] = 9 AFA

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31997 V1

Summary	9/24/2004 1:14:01 PM	vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required?
---------	----------------------	--------	---

Contacts	9/23/2004 3:45:21 PM	vmusic	(No) 1. Do you want to schedule an appointment?
----------	----------------------	--------	---

Comment for 1: DESKTOP REVIEW.

DESKTOP REVIEW/VLM

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 03-31997 split from 03-5707Owner: K-C TRUST Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1-1-1953

(If priority date, based on your exam, seems questionable, explain below.)

claimant said she knew from Orib. owners that property was irrigated & house was built in 1955.

Source: _____ Tributary to _____

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see claim - claimant's best guess.

OVERLAP REVIEW

Other water rights with the same point of diversion:

yes - 63-31999 shows irrigation

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

no

well

WATER USES

☒ No change

☐ Different Uses

Use dow From 1-1 To 12-31 Amount .04 CFS AFA
 Use liv From 3-1 To 11-15 Amount .06 CFS 9 AFA
 Use From To Amount CFS AFA

.10 cfs

TOTAL VOLUME - Groundwater only

☒ Incomplete on claim, the total is, Amount CFS 9 AFA

☐ Changes found, the new total is, Amount CFS AFA

☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

$$(2)(4.5) = 9 \text{ afa OR } (.06)(1.9835)(260) = 30.9$$

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes 1 Stock #

Types Additional comments:

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-31990-irrigation well is shown.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see claim

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

✓ 112 Parcel #s 50629131531
50629131521

✓ 101 DOM use is for 1 house

✓ 112 DOM use not to exceed 13,000 gal/day

✓ 111 quantity not a determ. of hrs. b/m.

✓ P21 split from 63. 5291

✓ E25 combined use... for irrigation

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- no C
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

Q-24-04

FIELD EXAMINER:

Wicki Moll

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-05287
Date Received: 8/15/1989
Receipt No: WJY/VB3
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KAY ANDERSON 208-343-2783
Address: 4322 CATALPA DR.
BOISE, ID 83703

2. Date of Priority: JUL 01, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02E	29	SW	NE			ADA

5. Description of diverting works:
TWO WELLS - 8" CASINGS, 50' & 65' DEEP W/PUMPS/PIPE/SPRINKLER SYS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02E	29	SW	NE		IRR	4.0
			SW	NE		DOMEST	

Section Acres 4.0

A63-05287

Page 1

Date: 08/15/89

MICROFILMED
AUG 21 1992

10. Place of Use: Continued

Total Acres 4.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kay Anderson Date: 8-15-89
Date:

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 89
Seal

Jan Spente
Notary Public

Residing at Meridian, ID
My Commission Expires 9-14-94

MICROFILMED
AUG 21 1992



ReceiptID	Amount	BasinNumber	SequenceNum	SplitSuffix	Type
W004483	54.00	63	5287		Claim

1987 Napp Photo

Miles

[illegible]

0 bination * 0.25
domestic well

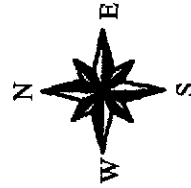
Where are the 2 wells located?

Point of Diversion

Place of Use

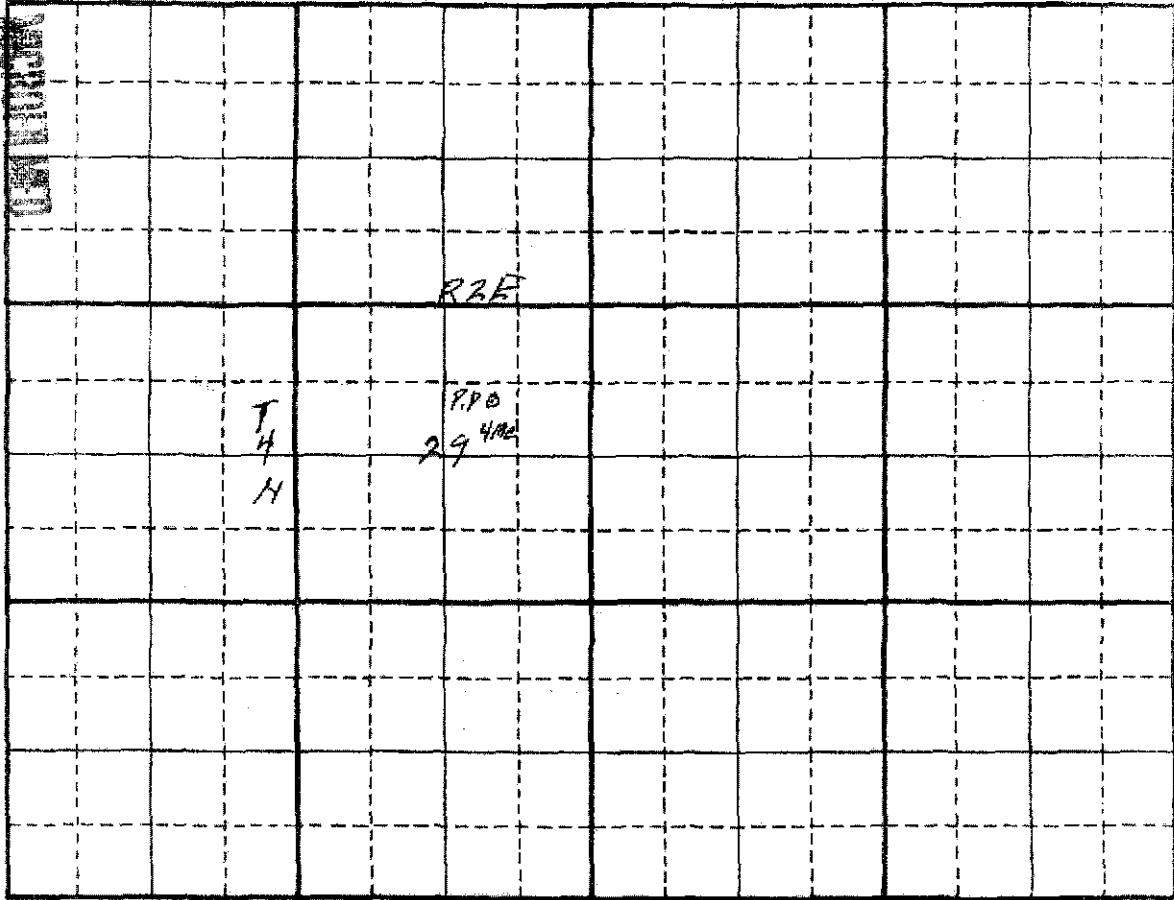
Section Lines

Quarter Quarter Lines



(7) If you are claiming water as a member of an organization, list name of organization: _____

(B) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 29 day of June, 19 83.

Kay Anderson
(Claimant)

Nancy M. Northway
Notary Public
Residing at Bose

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>SKN</u>	Date <u>6/29/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JG</u>	Date <u>12-23-83</u>		claimant by:	
\$30.00 fee received by <u>J.P.</u>	Date <u>6/29/83</u>	# <u>32229</u>		
Published in <u>Idaho Statesman</u>				
Dates <u>2/23</u> & <u>3/1/84</u>				



Land Records

Characteristics Detail[Go Back to Property](#)

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- [Old interactive map](#)

**Residential Characteristics 1 for Parcel "S0629131531"**

Occupancy Date:	No Date Available
Year Built:	1955
Year Remodel:	1978
Effective Age:	1970
Construction Class:	4
Number of Bedrooms:	3
Number Bathrooms:	2.25
Number of Fireplaces:	2
Air Conditioning:	N
Car Storage Sq Ft #1:	678
Car Storage Sq Ft #2:	0
General Purpose Building Sq Ft:	0
Porch Sq Ft:	0
Deck Sq Ft:	60
Deck Covered:	N
Patio Sq Ft:	0
Patio Covered:	N
Pool Sq Ft:	0
Total Sq Ft:	2286
Main Floor Sq Ft:	2286
Upper Floor Sq Ft:	0
Finished Lower Floor Sq Ft:	0
Unfinished Lower Floor Sq Ft:	0
Finished Basement Floor Sq Ft:	0
Unfinished Basement Floor Sq Ft:	0
Finished Attic Sq Ft:	0
Unfinished Attic Sq Ft:	0

Assessor Links

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September 21, 2004

RECEIVED

SEP 22 2004

WATER RESOURCES
WESTERN REGION

Ms. Vicky Music
Department of Water Resources
2735 Airport Way
Boise, Id 83705-5082

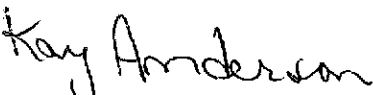
Dear Vicky,

As per your letter dated Sept. 1, 2004, I have tried to verify the exact time when the wells, especially the irrigation well first came into use. According to the folks who owned the property prior to 1968, the irrigation well was used prior to the home being completed (1955). Other than the Merrill's conversation with me a long time ago, there is no record of when the wells were first in use. I am enclosing the following documentation for your perusal:

- 1) copy of the Kay trust showing the ownership (from Kay Anderson to the trust)
- 2) copy of a plat showing both 4306 and 4322 Catalpa Dr.
- 3) copy of Gift Deed to my daughter and her husband (David and Kristi Gee) for 4306 Catalpa Dr.
- 4) Dept. of resources original map showing the locations of 2 wells, one domestic and one for irrigation of 4322 and 4306 Catalpa

If you have any questions or need additional information, Vicky, please let me know.

Thank you,


Kay Anderson

RECEIVED

SEP 22 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	63-5281				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. ☒ A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. ☒ Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

KAY ANDERSON, TRUSTEE of
K-C Trust.

4. New Owner/Claimant(s) (Shared Well)

DAVID & KRISTI GEE

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

~~New~~ Mailing Address

4322 Catalpa Dr

City, State and ZIP Code

Boise, ID 83703

~~New~~ Telephone Number

208 343-2783

5. Date you acquired the property

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A-63-5287</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<u>Irrigation</u>	<u>Well (Shared)</u>	<u>APPROX-4 1/2 acres</u>
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) Kay Anderson, Trustee for
(include title if applicable) K-C Trust

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

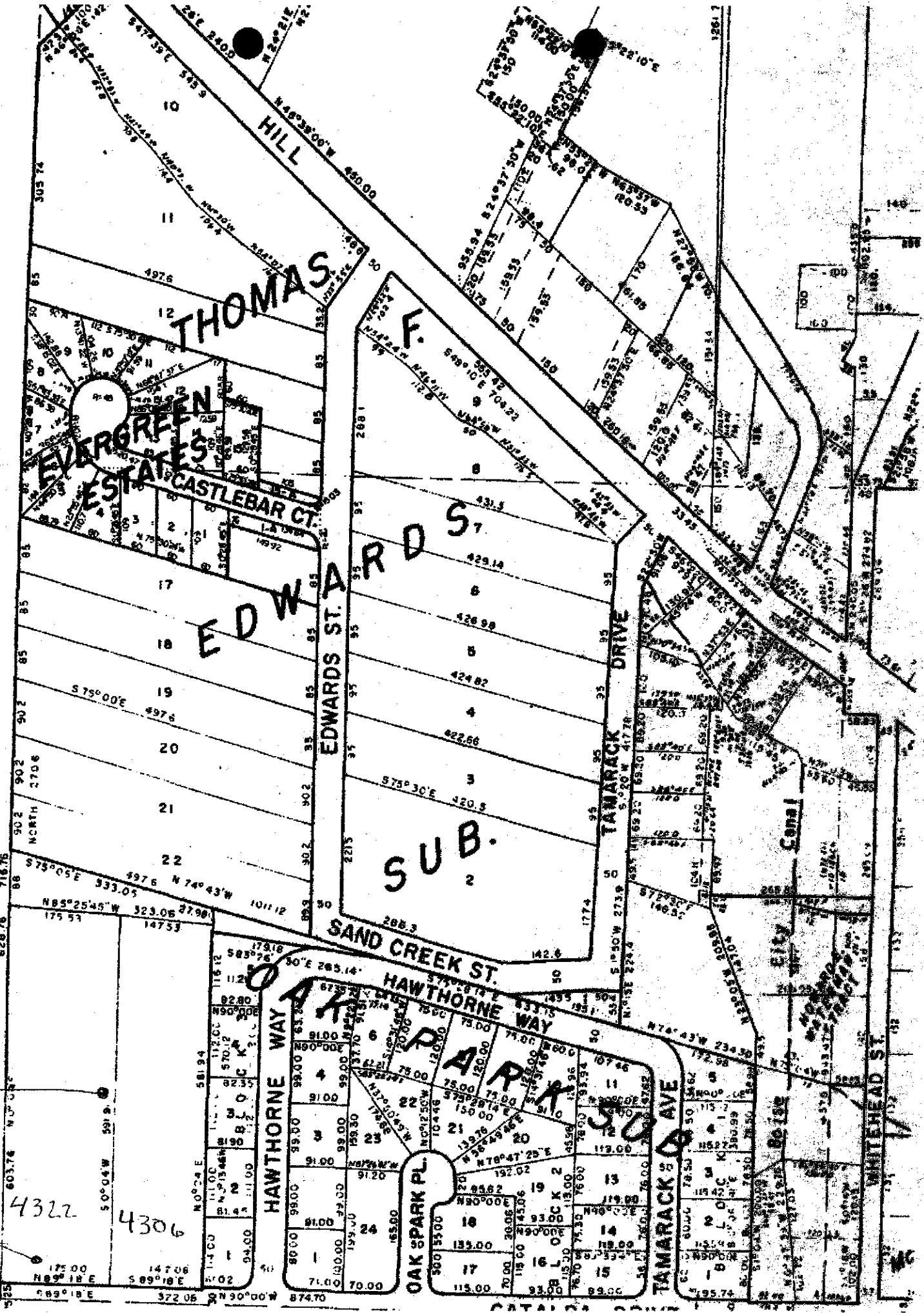
For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

4

Shared Well

Domestic Well



RECEIVED

SEP 22 2004

WATER RESOURCES
WESTERN REGION

FIRST AMENDED GIFT DEED

KAY ANDERSON, Trustee of THE K-C TRUST, UTA April 15, 1998, of Ada County, State of Idaho, as GRANTOR, as a gift and without consideration, does hereby grant and convey unto DAVID LEYBURN GEE and KRISTI LYNN GEE, husband and wife, whose current address is number 1518 So. Willow Lake Place, Eagle, Idaho 83616, as Grantees, and to Grantees' heirs and assigns forever, all of the Grantor's interest in and to the following described real property located at number 4306 West Catalpa Drive in the city of Boise, county of Ada, state of Idaho:

All that portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Township 4 North, Range 2 East, B.M., in Ada County, State of Idaho, being described as follows:
Commencing at the Southwest corner of the SW $\frac{1}{4}$, (1) E $\frac{1}{4}$ of Section 29, Township 4 North, Range 2 East, B.H., Ada County, Idaho;
thence South 89°18' East Along the East-West half-section line, 322.08 feet to a point;
thence North 0°04' East 25.00 feet to an iron pin, the real point of beginning;
thence continuing North 0°04'00" East 581.94 feet to a point in the centerline of Sand Creek;
thence along said centerline of Sand Creek North 85°25'45" West 147.53 feet to an iron pin;
thence South 0°04'00" West 591.91 feet to an iron pin;
thence South 89°18'00" East 147.08 feet to the point of beginning.

Together with one-half interest in well and together with ten shares of Boise City Canal Company of Boise, Idaho.

///

FIRST AMENDED GIFT DEED - 1.

COPY

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of May, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared KAY ANDERSON, known to me to be the Trustee of THE K-C TRUST, UTA, April 15, 1998, and the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said Trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at _____, Idaho
My commission expires: _____

BARRYOL4581A*05.P03

FIRST AMENDED GIFT DEED - 3.

TO HAVE AND TO HOLD the foregoing premises, with their appurtenances, unto the Grantees and unto said Grantees' heirs and assigns forever. The said Grantor hereby covenants to and with the said Grantees that she is the owner in fee simple of said premises; that the premises are free from all encumbrances except for those set forth hereinabove or known to said Grantees; and that she will warrant and defend the quiet and peaceable possession of the premises from all lawful claims whatsoever.

This instrument amends, corrects, and restates that prior Gift Deed recorded on April 19, 2002, as instrument number 102045439 in the records of Ada County, Idaho.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument effective as of the 31st day of December, 2001.

KAY ANDERSON, Trustee of
THE K-C TRUST, UTA April 15, 1998
Grantor

RECEIVED

SEP 22 2004

WATER RESOURCES
WESTERN REGION

**THE K-C TRUST
(A REVOCABLE LIVING TRUST)**

This Trust Agreement is made this 15th day of April, 1998, between **CHARLES I. SMITH** and **KAY ANDERSON**, husband and wife, with the address of 4322 Catalpa Drive, Boise, Idaho 83703 herein jointly referred to as the "Grantors", and **CHARLES I. SMITH** and **KAY ANDERSON**, with the address of 4322 Catalpa Drive, Boise, Idaho 83703 herein referred to as "Trustees."

Both **CHARLES I. SMITH** and **KAY ANDERSON** are the original and sole Beneficiaries of this Trust during their lifetimes.

In consideration of the mutual covenants and promises set forth herein, Grantors and Trustees agree:

ARTICLE ONE

TRUST NAME

1.1 Name of Trust. This Trust shall be known as "**THE K-C TRUST.**"

ARTICLE TWO

TRUST PROPERTY

2.1 Assets Transferred to Trust.

The Grantors hereby transfer and deliver to the Trustee the property described in Exhibit "A", attached hereto and made a part hereof by this reference. The receipt of such property is hereby acknowledged by the Trustee. All such property, and all property hereafter subject to this Trust, shall constitute the Trust Estate, and shall be held, managed, administered, and distributed by the Trustee as hereinafter provided.

c. Death of Grandchild Beneficiary.

If a Grandchild or Step-Grandchild Beneficiary should fail to survive the term of this Trust then that Beneficiary's share shall be distributed in equal shares to that Beneficiary's issue who survive the Beneficiary, and if there are no such issue, then this share shall be distributed to the estate of the Beneficiary.

ARTICLE SIX

INCOME AND PRINCIPAL

6.1. Income and Principal Allocations.

Unless otherwise specifically provided, the Trustee shall determine whether all or any part of any payment or property received or charged, expenses or taxes incurred, shall be credited to or charged against income or principal, or both, in the manner provided by the Principal and Income Act in effect at such times in any state in which this Trust is administered. The determination of the Trustee as to what constitutes principal and income shall, unless otherwise provided herein, be conclusive and binding on all persons in any manner interested in trusts created by this Trust Agreement.

ARTICLE SEVEN

TRUSTEE POWERS

7.1 Powers of Trustee.

To carry out the purposes of the Trust created under this Trust Agreement, and subject to any limitations stated elsewhere herein, the Trustee is vested with all of the powers and authority as set forth in the Uniform Trustees' Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter from time to time be amended.

7.2 Power of Co-Trustees to Act Independently.

Notwithstanding any other provision of this Trust to the contrary, the Grantors specifically authorize either of the original Co-

The Trust - Page 24

Trustees, namely, CHARLES I. SMITH and KAY ANDERSON, during their joint lives and while serving as Co-Trustees, to act independently of the other and have the authority to perform all powers and acts as granted under this Declaration of Trust, except as affects an interest in real property, by example, but not limited thereto, to sell, transfer, assign, mortgage, hypothecate or otherwise encumber the real property of the Trust Estate, which will necessitate the concurrence of both original Co-Trustees as long as both are alive and not otherwise incapacitated. As to separate property of a Grantor, be it real or personal, only a single signature of the Grantor owner of the separate property shall be required as provided under section 2.3 of this Trust.

7.3 Loan, Borrowing and Encumbrance Powers.

The Trustee may loan money to any person, including a Beneficiary, with or without interest, on any term or on demand with or without collateral, as the Trustee deems in the best interests of the Trust Beneficiaries.

The Trustee may borrow money upon such terms and conditions as the Trustee shall deem advisable, including, in the case of a corporate fiduciary, the power to borrow from its own banking or commercial department.

The Trustee shall have the power to obligate the Trust property for the repayment of any sums borrowed where the best interests of the Beneficiaries have been taken into consideration.

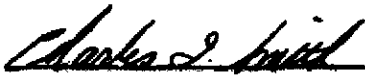
The Trustee shall have the power to encumber the Trust property, in whole or in part, by a mortgage or mortgages, deeds of Trust, or by pledge, hypothecation or otherwise, even though such encumbrance may continue to be effective after the term of any Trust or trusts created in this Agreement.

7.4 Margin and Brokerage Account Powers.

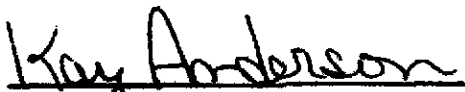
The Trustee is specifically vested with the power and authority to open, operate, and maintain a securities brokerage account wherein any security may be bought or sold on margin.

Beneficiaries thereunder as shall be living at the time of the death of the last Grantor to die, and thereupon such real property which is not in the State of Idaho shall be distributed, discharged of Trust, to the persons then entitled to the income of such real property in the proportions to which they are entitled to the income.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.



CHARLES I. SMITH
Grantor and Trustee



KAY ANDERSON
Grantor and Trustee

STATE OF IDAHO)
 : ss.
County of Ada)

On this 15th day of April, 1998 before me personally appeared **CHARLES I. SMITH** and **KAY ANDERSON**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.





Notary Public in and for Idaho
Residing at Boise, Idaho.
My commission expires 4/22/2003.